



# NEWSLETTER

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# Surging Oceans: The Acceleration of Global Sea Level Rise

After 3.000 years of largely unchanged global mean sea levels (GMSL), the oceans have begun to rise from the 20th century onward, encroaching higher and higher onto the coastlines of continents and islands and threatening the livelihoods of millions (if not billions) of people. The reason for this is twofold and directly connected to the global warming caused by increasing greenhouse gas concentration in the atmosphere: the water warms up and expands (thermal expansion), and the higher temperatures cause glaciers and ice shelves (primarily in Greenland and Antarctica) to melt.

## Acceleration of Sea Level Rise

A study published in the Proceedings of the National Academy of Sciences of the United States of America (PNAS) on February 12th, 2018, confirms the long-held apprehensions of climate change models: the speed of GMSL rise has been accelerating and will lead to much larger increases than originally projected. The research findings are based on data collected over a period of 25 years.



In 25 years, the GMSL has risen by around 7,5 cm (3 inches), which equates to around 3 mm per year. However, the data shows that this rate is not constant, but accelerating by 0,084 mm per year, leading to an acceleration of around 65 cm (2 feet) higher than the current prediction for the end of the century. The research scenario assumes a “business as usual” scenario without a significant reduction of greenhouse gas emissions and aligns with the projections of the Intergovernmental Panel on Climate Change (IPCC), which assumed 52 to 98 cm by 2100 in their 2013 Assessment Report.

## Adapting to Rising Sea Levels

A GMSL rise of 2 feet over a hundred years might not sound insurmountable. One third of the Netherlands lies up to 22 feet below the current sea level, and their system of dams and dikes seems to be well capable of preventing flooding – what are two additional feet going to change? And if the Netherlands can protect themselves, why not other countries? This perspective, however, overlooks several critical factors.

First, not every area in the world will be equally affected, and not every country has the resources of the Netherlands, one of the world’s richest countries.

Second, the mean sea level rising by just inches or feet makes extreme water levels (high tides, storm surges etc.) exponentially more catastrophic, as can increasingly be seen around the world. Third, flooding is not the only risk associated by rising sea levels: just one further example would be the intrusion of salt water into the drinking water supply of coastal cities, many of whom are already in a constant state of water stress (one in four of the world’s largest cities according to a 2014 study published in Global Environmental Change), as dramatically illustrated by Cape Town, South Africa, at the time of writing.

The sea levels will not stop rising by 2100, and the estimate of 2 feet till then is still a conservative one: both the PNAS study and the IPCC models place very high probability on the further acceleration of sea level rise and a significant increase of sea level extremes in some regions of the globe.

## South Asia’s Challenge

Among the most seriously affected regions will be South Asia, which has large areas of low elevation land in the coastal zone (LECZ) and is especially vulnerable to the effects of climate change to the GMSL.

Many densely populated coastal areas with tens of millions of inhabitants (for example Chennai and Kolkata in India or Dhaka in Bangladesh) will be at a high risk of increased storm surges and floods, while adjacent river deltas are simultaneously sinking due to groundwater extraction and sediment-catching dams.

As island countries, Sri Lanka and the Maldives especially have long coastlines with low elevations; in the Maldives, the highest natural island is only 2.5 m above the current sea level, so the entire country is threatened with inundation as the oceans rise further. Sri Lanka has a lot of coastal cities as well, for example Negombo, which lies only 2 m above the current sea level and is criss-crossed by canals and lagoons; with the projected sea level rise, it would in large parts become inundated if there are no expensive measures being taken. GMSL rise will put Negombo and many other coastal cities in Sri Lanka

at risk, with huge repercussions for their population, infrastructure, freshwater supplies, agriculture, tourism, biodiversity, and wetlands.

### **Addressing Sea Level Rise**

The existing vulnerabilities of developing countries are aggravated by the increasing impacts of climate change. The risks and vulnerabilities of these countries and communities need to be addressed and support provided to ensure that their needs are met against climate change impacts such as sea level rise. While diverse support mechanisms exist, it is important to identify whether the transfer of finance and technology reaches the vulnerable communities, which will lead to more accountable, effective, and impact driven climate action.

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## **Talanoa Dialogue for Inclusive Climate Action**

Talanoa is a form of inclusive, participatory and transparent dialogue followed in the Pacific Islands to inform better decision-making and leadership. The Talanoa Dialogue 2018 is a part of the UNFCCC process inspired by this tradition, whereby unprecedented opportunities are available for both party and non-party stakeholders to the Paris Agreement to share their stories.



2018 is considered a pivotal year for the Paris Agreement and for global climate action, because it will be the start of the momentum that needs to build for higher ambitions in terms of curbing temperature rise. The Paris Agreement calls for “stocktakes”, or progress assessments, to take place every five years, to ensure that parties (countries) turn their commitments into actions.

Although the next global stocktake is scheduled for 2023, this process will start with the Talanoa Dialogue, which is an initial stocktaking exercise. This process will examine how much more needs to be done in order to reach the goals of the Paris Agreement, and this will be done mainly by enhancing the Nationally Determined Contributions (NDCs) using the learnings of the Talanoa Dialogue. The current NDCs put the globe on a trajectory that leads to a 3-degree rise in temperature by 2050, which is simply not good enough.

The Talanoa Dialogue is a significant outcome of COP23, whereby the world of negotiators and the world of observers and non-state party actors fused together, in order to have input that is more inclusive in future.

Three guiding questions form the basis of the Talanoa Dialogue:

- Where are we?
- Where do we want to go?
- How do we get there?

Addressing these questions, party and non-party stakeholders can share their own stories of successes and challenges when it comes to climate action.



There is an online portal dedicated to this task, which will be active from 2 April to 29 October. Then the Talanoa Dialogue itself will take place in May. In addition to these, throughout the year, stakeholders are invited to organize various events “in support of the Talanoa Dialogue”, in order to build the desired momentum.

In May, at the round table discussions addressing these three questions, the entire plenary will be split into three after the opening discussion, each section addressing one question. Under each question, several working groups will be formed (the exact number is yet to be determined). Each working group will have a majority representation of party stakeholders, and (for the first time), a quota set aside for non-party stakeholders to give voice to their concerns as well. These non-party stakeholders include cities, states and regions, the private sector and businesses, civil society groups, financial institutions and investors, multilateral organizations, subnational authorities, vulnerable communities (indigenous peoples, migrants, children and persons with disabilities) and international institutions. The summaries of all working groups are to be

discussed at the closing plenary, and the summary of the entire proceedings will be available online. At the end of October, the synthesis report, of both the Talanoa Dialogue in May as well as the online submissions made throughout the year, will inform the political phase of the Talanoa Dialogue, which will take place at COP24 in Poland.

The non-party stakeholders must decide which stories need to be shared immediately, and the Talanoa Dialogue (both the online platform and the sessions in May) provides an open platform for stories of resilience, adaptation and communal climate action to be shared. Political leaders will be able to give voice to these initiatives, successes and challenges at COP24. It could range from the role that children play in climate action, to an organization’s struggle to convert a city to solar energy. Many such narratives can come together, under the themes set by the three overarching questions. This is the spirit of trust, storytelling and sharing propagated by Talanoa. The world needs to aim higher when it comes to climate action, and meeting the stipulations of the Paris Agreement. The Talanoa Dialogue will be a critical launching pad in this process.

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## Accessing Climate Finance and Gender-Sensitive Climate Action

Climate change renders women disproportionately vulnerable to its impacts as a result of persisting gender norms and discrimination. This is evidenced in terms of the impacts of climate change affecting scarcity of water, food security, disaster situations and fuel shortage, thereby having a drastic impact on women’s human rights as well as on gender equality. Moreover, the notion of women’s rights and equality is affected by the processes that seek solutions to address climate change. The manner in which the climate response processes are formulated in terms of inclusion and participation of women, as well the manner in which they are implemented on the ground-level will determine the iteration of women’s rights while also ensuring that the solutions themselves are holistic.

Placed in this context, climate finance plays an important role in ensuring means for implementing such climate solutions. It is therefore pivotal that women from communities affected by climate change

impacts as well as women’s rights advocates are allowed a say in determining the type of solutions that should be financed. It is equally important to ensure that the voices and the experiences of marginalized communities including women, grassroots and indigenous people are taken into account.

This article presents the need for climate finance to be gender-sensitive through the recognition of women’s rights and experiences in the development and implementation phases, which would also help ensure that the development pathways are sustainable and inclusive in the long-run. It further highlights that mainstreaming gender in climate processes should be mandated, the importance of ensuring that women groups and activists, and their initiatives have access to these financial flows, and are provided with the knowledge and awareness of funding mechanisms and the information relevant to the financial flows.

# Consultation on Developing a National Strategy on Climate Change Communication in Sri Lanka

SLYCAN Trust and Sri Lanka Press Institute (SLPI) organised a consultation to develop a national strategy on communicating climate change. The consultation was organised as part of the Third National Communication on Climate Change of Sri Lanka, with the aim of identifying and determining effective ways to communicate on climate change to a cross-cutting audience consisting of policy makers, CSOs and CBOs, private sector, academia and the general public.

Sri Lanka being a party to the United Nations Framework Convention on Climate Change (UNFCCC), is required to report through the country's national communications on elements pertaining to climate change in terms of the national circumstances on impacts felt and vulnerabilities assessed, policies and measures undertaken to address the issues, and education, training, and public awareness creation on climate change.



Sri Lanka has submitted its First and Second National Communication in 2000 and 2011 respectively and is in the process of formulating the Third National Communication (TNC).

The communication strategy is a component of the project carried out by a consortium of organizations comprising SLPI, SLYCAN Trust, Janathakshan GTE Ltd, and Integrated Development Association (IDEA) on the TNC and also includes the development of a research strategy. The project aims to increase awareness and enhance capacity on climate change research and communication through multi-stakeholder engagement in the process of the TNC.

For the purpose of developing the national strategy on communicating climate change in Sri Lanka, several experts working in the field of media and communication in Sri Lanka were invited for a consultation which was held on the 25th of January 2018 at the SLPI premises. The experts represented the diverse communication modes including print, digital and social media as well as different communication mediums.

The objective of the consultation was to delineate the current state of climate change communication in Sri Lanka in various mediums of media, identify gaps to address in communicating climate change as well as to provide suggestions to address gaps, activities for effective communication on climate change in Sri Lanka. As such, the lack of capacity and knowledge of communicators on the topic of climate change, the lack of familiarity and disconnect of the public with the topic and the limited coverage of the area under each media outlet were identified as key issues that need to be addressed. The communication strategy is currently being developed to be implemented in the timeframe of eleven months.

## Existing Climate Finance Mechanisms

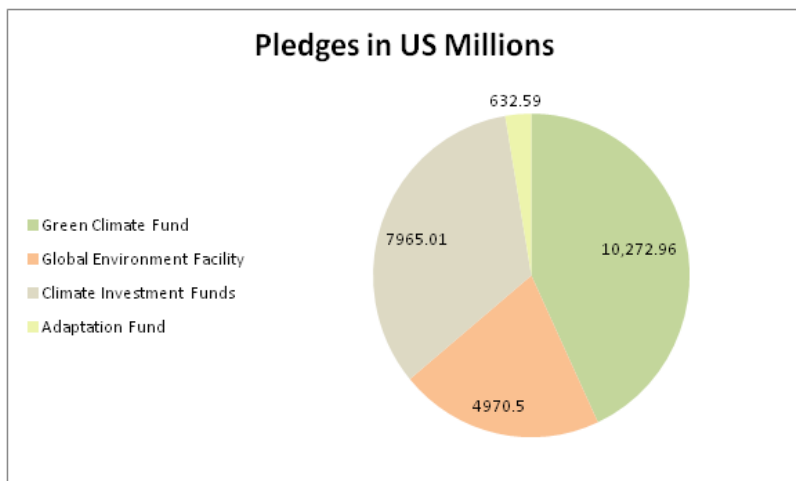
The various financial instruments available for climate financing include loans, grants and guarantees which are sourced through public, private or intermediary means. Between 2015 and 2016 there has been more than USD 410 billion annual average invested in climate finance, of which, USD 139 billion, or 33 percent of the total, comes from the following sources;

- ministries and government agencies, through bilateral aid, export credit and UN institutions;
- development finance institutions, through multilateral development banks, national development banks, and bilateral financial institutions; and
- climate funds.

The four main climate funds and their respective contributions are listed as seen here:

It is important to understand how these funding mechanisms incorporate gender concerns and if there is a gendered lack of influence or control over the types of projects that are developed as climate solutions. Several issues have been highlighted in the way existing financial mechanisms address gender in their finance allocations. Among the issues highlighted;

- the mechanisms are not working to channel funding to local groups, women's groups, women's rights activists;
- prevailing approaches to reducing emissions in project design continue to prioritize scientific and technological measures, often at the expense of social and behavioral considerations;
- most funding is channelled to mitigation purposes, supporting large-scale energy infrastructure and industrial efficiency programs, often considered gender-blind; and
- adaptation projects are prioritizing retrofitting infrastructures deemed to be at risk from climate change over people and communities.



(c)Climate Finance Update <http://www.climatefundsupdate.org>

On the other hand, it has also been observed that all major climate funds have incorporated plans and policies to ensure gender-responsiveness, with many linking to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other human rights instruments.

## UNFCCC Mandates Related to Gender and Climate Finance

In accordance with Article 11 of the Convention, the Global Environment Facility (GEF) and the Green Climate Fund (GCF) function as the operating entities of the Financial Mechanism under the United Nations Framework Convention on Climate Change (UNFCCC) processes. Several decisions underscore the link between finance and gender considerations as pertaining to these two entities. Decision 3/CP.17, in 2011, which relates to the establishment of GCF, states in its Governing Instrument that the GCF fund would take a gender-sensitive approach. Additionally, Decision 8/CP.19, in 2013, includes criteria on the review of the Financial Mechanism on the extent to which the financial mechanism is contributing to gender-sensitive approaches.

Among mandates taken to ensure the gender-sensitivity at the recently concluded 23rd Conference of Parties to the UNFCCC (COP23), there were two activities that specifically related to gender and climate finance.

- The Standing Committee on Finance was invited to host a dialogue in 2019, on the implementation of its commitment to integrate gender considerations into its work, emphasizing the relevance of gender-responsive access to finance in the implementation of climate action.
- The strengthening of capacity of gender mechanisms for policy-makers for the integration of gender-responsive budgeting into climate finance, access and delivery through training, expert workshops, technical papers and tools was prioritized as activities.

In addition, COP23, also saw the adoption of the first ever Gender Action Plan (GAP) by the Parties to the UNFCCC which aims to increase the participation of women in all UNFCCC processes, and also seeks to increase awareness of and support for the development and effective implementation of gender-responsive climate policy at the regional, national and local levels.

## Conclusion and Way Forward

Gender-responsive climate finance is an indispensable component in ensuring that it addresses the resilience building needs and supports the rights of communities and individuals on the ground and benefits women and men equally. By ensuring that the frameworks for mobilizing, governing and disbursing climate finance under key financial mechanisms, are executed in a manner that is fair and equitable, it is possible to lay the groundwork for the operationalization of the Paris Rulebook, and the GAP as well as other international, national and regional climate policy. While securing channels of funding for climate initiatives that benefit and empower women is crucial, it is also important that awareness of the means of and access to such funding amongst women in communities on the ground and women's rights advocates is achieved. Not only is awareness and information on such gender-responsive climate finance pivotal to the development of holistic development pathways for countries but it also enables the transparency and monitoring of such mechanisms through tracking and monitoring financial flows.

In conclusion, the normative principles for gender-mainstreaming provided by climate funds allow for the engagement of women and men of all ages as stakeholders in the design, development and implementation of climate solutions and activities to be financed through such financial flows.

### References

1. *Women's Rights & Climate Finance Webinar Series – Session 1 and 2*. Organised as part of the "Women Demand 'Gender-Just' Climate Finance" initiative by the Wallace Global Fund, WEDO and Both ENDS, as a member of the Global Alliance for Green and Gender Action (GAGGA).
2. <https://blog.climatefundupdate.org/>

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## Need for Immediate Enactment of the Animal Welfare Bill

Last year witnessed an escalation in the incidents of animal cruelty in Sri Lanka, ranging from the culling of strays and the culling of elephants. While the cruelty prevails, there remains a marked lacuna in terms of the laws and regulations that govern issues related to animal welfare in the country, causing the perpetrators to go unpunished and victims to be left without justice. Moving forward in 2018, it is imperative and timely to reflect on the current status of the long overdue Animal Welfare Bill.

### Existing Legislation Relating to Animal Welfare

In Sri Lanka, the legislature on animal welfare is determined by the framework provided under the Prevention of Cruelty to Animals Ordinance of 1907. The Ordinance was last amended in 1955 and has since seen no changes. Amongst the many shortcomings of the outdated legislation, the definition of the term "animal" can be highlighted as limited and narrow. The 1907 Ordinance applies only to a domestic or a captured animal which includes any bird, fish, or reptile in captivity. Regardless of the

increase in urban wildlife at present, the term has not extended its reach to incorporate urban wildlife within its parameters or punishment to offenders. It further excludes animals which are not domesticated or caged. This narrow perspective allows for very limited species of animals to be protected.

The concept of duty of care is another major deficiency in the Ordinance of 1907. The concept refers to responsible ownership of pets by their owners; the lack of which has drastic implications on the welfare of animals. Therefore, the inclusion of the concept is important in ensuring that pet owners will not abandon animals, and will act responsibly towards them by providing uninterrupted basic care. Moreover, the violation of such conduct would lead to legal prosecution and would lessen incidents of abuse at the hands of pet owners.

### Status of Draft Animal Welfare Bill

The need for a new legal framework to govern the issues related to animal welfare in the country was

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noted by many civil society organizations and as a result the new animal welfare bill was drafted in 2006 by the Law Commission, with the support of the interested parties. Almost a decade in the making, the draft bill was open for public comments under the Ministry of Rural Economic Affairs in 2015. Following the proposed changes received by the public consultation, the Cabinet approval for the Bill was received on January 13, 2016, after which the Bill was passed to the legal draftsman for the changes to be incorporated into it and for it to be drafted with the changes included. Yet, it has been over a year since the passing of the Animal Welfare Bill and the time for enactment has never been more urgent.

### **Recent Measures Taken to Address Animal Welfare**

The National Budget for 2018 had some considerations for animals and their welfare including the allocation of Rs. 75 Billion for the conversion of the zoo to an open zoo concept where the animals will no longer be caged, but be able to move around with more freedom as per international best practices. The Budget proposals also contained the restructuring of the Pinnawela elephant orphanage to be 'Born Free-Chain Free', initiating mahout training programmes. While these initiatives are commendable, ensuring animal welfare in the long run will fall short without a holistic legislative framework such as the Animal Welfare Bill in place which mandates the rules and regulations determining the welfare of animals.

### **Why the Enactment of the Animal Welfare Bill Needs to Be Accelerated**

In the past year, stories of extermination of stray cats and dogs within public and private premises and the culling of tuskers, cruelty towards captive elephants have become commonplace occurrences. These horrific acts of cruelty leave no doubt that it is time for more urgent and concrete action on animal welfare in the country.

It is high time that we changed these outdated laws and made sure that the long- overdue Animal Welfare Bill is passed for efficient action against cruelty to animals, where appropriate punitive action can be taken against offenders and issues relating to urban wildlife and captive animals can be solved in a comprehensive manner. In conclusion, it is pivotal that the Bill should be passed for enactment at the earliest possible, in order to provide for an effective and efficient legal framework to address cruelty towards animals in Sri Lanka.



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## **The Plight of the Pangolin: Biodiversity Trade and Trafficking**

The recent nabbing of a frozen pangolin in the kitchens of a Chinese restaurant in the heart of Colombo has shed a much-needed spotlight on the importance of curbing the illegal exploitation of these shy mammals which are a globally endangered species, and nationally a near threatened one. There are four species of Pangolin restricted to Asia. The one found in Sri Lanka is the Indian Pangolin (*Manis crassicaudata*), and is commonly called the Scaly Ant-eater (Sinhala: “Kaballawa”, “Aya”; Tamil: “Alungu”). Pangolins can be identified by the distinctive scales which cover their entire body, and they are found in both the wet and dry zones of Sri Lanka.

Although Pangolin meat, scales and bile have been

used extensively in traditional Indian and South-East Asian medicines, there is no evidence that Pangolins in Sri Lanka were hunted for medicinal or Ayurvedic purposes. In Sri Lanka, pangolins are prized as bush meat. They usually get entangled in traps left for other animals such as porcupines, and are consumed by local communities. There is no past evidence to suggest that a roaring illegal trade was present in the country.

### **Increasing market demand**

Today, the Indian Pangolin in Sri Lanka is under severe hunting pressure due to the rising demand for

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for its scales and meat in East Asian markets, especially in the Chinese markets, according to the IUCN Red List 2018. The scales are either used whole or in powdered form in traditional medicines and as curios. The Indian Pangolin's skin has also been used in leather manufacturing, particularly as footwear.

The market demand in the species available in Sri Lanka is driven even more today by the fact that the numbers of the Chinese Pangolin (*Manis pentadactyla*) and the Malayan Pangolin (*Manis javanica*) have significantly fallen due to trafficking, forcing smugglers and illegal traders to look towards alternative species of Pangolin, like the one present in Sri Lanka.

### **A booming illegal trade**

It is suspected that Indian Pangolin populations worldwide will fall by at least 50% by 2039, if the demand and supply continue to rise unchecked. The IUCN has estimated that pangolin trade in just the last decade has seen over a million individuals crossing international borders, giving this shy mammal the dubious title of "World's Most Trafficked Mammal".

The market price for Pangolins have been known to start at \$ 600 (Rs. 100,000) for a kilo of scales, and a kilo of meat can sell for anything upwards of \$250 (Rs. 40,000). These values are double what they were in 2008, indicative of growing demand. According to the Environmental Investigation Agency, the known seizures of pangolin scales since December 2016 total more than 14 tonnes worldwide, and around 20,000 individual pangolins may have been hunted to supply this amount. This is the conservative estimate, and it's alarming.

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## **Capacity Building Session on Climate Change Processes**

SLYCAN Trust organised a capacity building session in order to create awareness on the multifarious processes on climate change both on international and national level. The session was conducted by Ms. Sabrina Marquant and was attended by representatives from CSOs and media organisations.

Ms. Marquant elaborated on several key international conventions and processes on climate change, including the United Nations Framework Convention on Climate Change UNFCCC and the landmark Paris



Agreement. Speaking on these various climate treaties, she explained how stakeholders could engage in these processes at international, national, sub-national and local level.

Marquant elaborated how climate literacy and education as well as access to information ensure the engagement of the nonstate actors in the climate processes on both international and local level. The transmission of information related to official dialogues and processes such as the UNFCCC negotiations to actors on the ground who are more actively involved in climate action needs to be ensured so that comprehensive and holistic solutions can be developed in combating climate change.

For this purpose, Ms. Marquant emphasized on the crucial role played by the Action for Climate Empowerment (ACE) working group under the UNFCCC negotiations which provides a good opportunity to bridge the information gap between the high level negotiations and ground level action. Right to information was seen as an integral component in this process.

The session was organised as part of SLYCAN Trust's campaign on climate literacy and education the last week of January, in order to empower key stakeholders with the information to address climate change in their own capacities.

Last year, the Customs Department of Sri Lanka has reported four cases of pangolin products being caught at the Bandaranaike International Airport. In each case, the smuggler's destination has been Chennai, India. The largest pangolin-related bust in Sri Lanka took place last year as well, when police in Kalpitiya discovered 130 kg of pangolin scales in the possession of 5 persons in a house near the Kalpitiya Lagoon. Wildlife experts estimate that approximately 150 pangolins may have been killed to extract the skutes. Police reported that these scales were earmarked for export to India.

Pangolins are nationally protected in Sri Lanka by the Flora and Fauna Protection (Amendment) Act No. 22 of 2009 (included in Schedule II). The National IUCN Red List (2012) lists it as a Near Threatened species in the country. It is listed as endangered in the Global IUCN Red List. This makes it illegal to hunt and be in possession of a Pangolin or Pangolin products within country borders (or any other wildlife or flora protected by the Ordinance), and perpetrators stand to face penalties including fines and imprisonment.

### **A Wake-Up Call**

The pangolin has never really penetrated into the public's consciousness as a mammal which needs conservation in quite the same way that elephants or leopards have. This may be due to the fact that it is rarely seen by humans, being an elusive nocturnal eater of ants and termites.

They also rarely survive in captivity. Only six zoos in the world have any, making it a mammal that is relatively unknown, especially in the West.

The recent nabbing of the frozen pangolin in Colombo has sparked public interest in protecting local biodiversity, and authorities such as the Department of Wildlife Conservation should use the momentum created to strengthen efforts to protect this scaly mammal. The crackdowns must come fast and strong, in order to nip the growing local demand in the bud. The Ministry of Sustainable Development and Wildlife and other research bodies need to take up the mandate of carrying out more research regarding the numbers and habits of the pangolin in Sri Lanka. If not, we stand to lose this beautiful creature before we have even understood it.

The scourge of illegal wildlife trafficking has placed many species under enormous threat. The fight



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## **Corporal Punishment as a Disciplinary Measure in Sri Lanka**

Corporal punishment in any form is a violation of Human Rights. Banning corporal punishment was a main issue discussed at the recently convened meeting of the United Nations Committee on the Rights of the Child. While corporal punishment is used as a means of maintaining discipline, it is indisputable that it is a violation of the fundamental rights of a child.



According to a press release published on 30th January 2018, the Chairperson of the National Child Protection Authority declared that the NCPA takes tough action on corporal punishment in all schools. She further stated that the NCPA's investigation on corporal punishment was in relation to a student's complaint regarding an incident in an international school where a teacher made nine children kneel down and pulled their ears as punishment for forgetting to bring the reading books. The incident was a topic of controversy due to both international and domestic legal provisions that ensure the protection of the right of the child to enjoy freedom from any form of physical and mental harm.

## **Corporal Punishment and the Rights of the Child**

A child is a “minor”. According to Article 1 of the Convention on the Rights Child (CRC), “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

Moreover Article 19 (1) of the Convention provides that “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. Further, placed within the context of human rights, corporal punishment can be perceived as a violation of children’s fundamental right to physical integrity and human dignity, as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These international conventions guarantee that the fundamental rights of the child encompass protection against all forms of torture and inhuman and degrading activities.

### **Legal Framework in Sri Lanka**

The Constitution of the Democratic Socialist Republic of Sri Lanka guarantees the fundamental rights of Sri Lankan citizens in Article 11 of chapter three, where it states that “no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Thus, the constitution the supreme law of the country, sets the legal background to protect fundamental rights.

Corporal punishment includes beating, spanking, rapping on the head and slapping which could be defined as torture. However in the sense of Article 11 of the Constitution of Sri Lanka corporal punishment is therefore a violation of the fundamental rights of any person, including children.

### **International Discussion and Measures**

Corporal punishment was discussed at the 77th session of the United Nations Committee on the Rights of the Child (UNCRC) on protecting rights of the child, which convened in Geneva in January 2018.

The UNCRC consists of 18 independent experts that monitor the implementation of the Convention on the Rights of the Child by its State Parties. They also monitor the implementation of two optional protocols to the Convention, one on the involvement of children in armed conflict (OPAC) and one on the sale of children for child prostitution and child pornography. Sri Lanka became a Party to this convention in 1990.

Importantly, at the above-mentioned session of the UNCRC it was highlighted that Sri Lanka has not taken proper measures to ban corporal punishment and recommendations were made to take necessary measures to ban corporal punishment to children at their homes as well as in schools.

### **Effects and Consequences of Corporal Punishment**

Scientific research highlights that physical punishment is neither an appropriate nor an effective method to maintain discipline. Research conducted on physical punishment in the United States along with the phoenix Children’s Hospital have concluded after decades of research regarding this issue, that parents and caregivers need to make every effort to avoid physical punishment.

Moreover, interviews with parents of children age 3 to 7 from more than 100 families have found that children who are being punished physically are more likely resort to beating or physical punishment as a means of



resolving their disputes. The researchers have further found that parents who had experienced frequent physical punishment during their childhood were more likely to believe it was acceptable, and they frequently spanked their children, and their children, in turn, often believed spanking was an appropriate disciplinary method. This highlights that when adults use corporal punishment as a disciplinary method it gives children the impression that beating is a suitable means of punishing.

## Ending Corporal Punishment

In conclusion it could be argued that corporal punishment is violence against children and not a valid disciplinary method. Moreover, as discussed above, it violates basic legal provisions in relevant conventions and the Sri Lankan Constitution.

As a Party to international conventions that mandate the protection of children against all forms of torture and violence, Sri Lanka is required to adhere to the principles set forth in these conventions and within the country's own legal framework. Therefore, better alternatives to maintain discipline should be adopted to ensure that children are given due respect for their mental and physical wellbeing at home, as well as at educational institutions which protects children from being subjected to corporal punishment.

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## Give A Voice Project Established to Support Children With Special Needs

SLYCAN Trust organised a day of assessments for children with special needs in Hikkaduwa as part of its project titled Give a Voice. The project aims to provide assessments of communication skills to children with special needs (autistic, children with down syndrome), free therapy sessions for children with special needs from families with financial difficulties, empower children with special needs through skills development.

The activities were conducted as part of an on going process of providing communication therapy for children whose needs have been assessed. "Children with special needs are often ignored, and their needs are not effectively addressed due to different reasons.

In some cases, the existing education and health systems do not facilitate identifying their needs at an early stage, or provide necessary resources to ensure that they are integrated into society and the education system. Through the Give a Voice initiative, SLYCAN Trust aims to contribute to bridging the existing resource and awareness gaps to address the communication needs of children with autism and own syndrome," said Executive Director Vositha Wijenayake.



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